

**WEST VIRGINIA PUBLIC EMPLOYEES
GRIEVANCE BOARD**

SYNOPSIS REPORT

Decisions Issued in October 2021

The Board's monthly reports are intended to assist public employers covered by a grievance procedure to monitor significant personnel-related matters which came before the Grievance Board, and to ascertain whether any personnel policies need to be reviewed, revised or enforced. W. Va. Code §18-29-11(1992). Each report contains summaries of all decisions issued during the immediately preceding month.

If you have any comments or suggestions about the monthly report, please send an e-mail to wvgb@wv.gov.

NOTICE: These synopses in no way constitute an official opinion or comment by the Grievance Board or its administrative law judges on the holdings in the cases. They are intended to serve as an information and research tool only.

TOPICAL INDEX
STATE EMPLOYEES

KEYWORDS: Selection; Qualifications; Job Duties; Arbitrary and Capricious

CASE STYLE: Wolford v. Division of Highways
DOCKET NO. 2020-0276-CONS (10/28/2021)

PRIMARY ISSUES: Whether Grievant proved his claims by a preponderance of the evidence.

SUMMARY: Grievant is employed by Respondent as Transportation Worker 3 Equipment Operator. Grievant applied for two Transportation Worker 3 Crew Chief positions, but Grievant was not selected for either position. Grievant argues that he is more qualified than at least one of the people selected to fill the two positions, and that he should have been selected instead. Respondent denies Grievant's claims and asserts it properly filled the Crew Chief positions. Grievant failed to prove his claims by a preponderance of the evidence. Accordingly, the grievance is DENIED.